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PCT J



Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

| Complete if Known | |
|--------------------------|------------------------|
| Application Number | 10/552,000-Conf. #6374 |
| Filing Date | October 4, 2005 |
| First Named Inventor | Hiroko YANAGI |
| Examiner Name | Not Yet Assigned |
| Art Unit | 1651 |
| Attorney Docket No. | 1752-0173PUS1 |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 02-2448 Deposit Account Name: Birch, Stewart, Kolasch & Birch, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| <u>Application Type</u> | <u>FILING FEES</u> | | <u>SEARCH FEES</u> | | <u>EXAMINATION FEES</u> | | <u>Fees Paid (\$)</u> |
|-------------------------|--------------------|---------------------|--------------------|---------------------|-------------------------|---------------------|-----------------------|
| | <u>Fee (\$)</u> | <u>Small Entity</u> | <u>Fee (\$)</u> | <u>Small Entity</u> | <u>Fee (\$)</u> | <u>Small Entity</u> | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | _____ |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | _____ |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | _____ |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | _____ |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | _____ |

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

| | |
|-----------------|---------------------|
| <u>Fee (\$)</u> | <u>Small Entity</u> |
| 50 | 25 |

Each independent claim over 3 (including Reissues)

| | |
|-----|-----|
| 200 | 100 |
|-----|-----|

Multiple dependent claims

| | |
|-----|-----|
| 360 | 180 |
|-----|-----|

| <u>Total Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Multiple Dependent Claims</u> | |
|---------------------|---------------------|-----------------|----------------------|----------------------------------|----------------------|
| | | | | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| 12 | - 20 = | x | = | _____ | _____ |
| 1 | - 3 = | x | = | _____ | _____ |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|---------------------------------------------------------|-----------------|----------------------|
| _____ | - 100 = | /50 _____ (round up to a whole number) x _____ | = | _____ |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00

| SUBMITTED BY | | | |
|---------------------|-----------------------|--------------------------------------|---------------------------------|
| Signature | <u>G. Murphy Jr.</u> | Registration No. (Attorney/Agent) | 28,977 Telephone (703) 205-8000 |
| Name (Print/Type) | Gerald M. Murphy, Jr. | Date | June 2, 2006 |

06/07/2006 GFREY1 00000115 10552000

01 FC:1806

180.00 OP

IAP7 Rec'd PCT/PTO 02 JUN 2006



Docket No.: 1752-0173PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroko YANAGA

Application No.: 10/552,000

Confirmation No.: 6374

Filed: October 4, 2005

Art Unit: 1651

For: METHOD OF PRODUCING
CHONDROCYTES FOR
TRANSPLANTATION

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL
REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE
1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

a. Copies of cited U.S. patents and patent application publications are not included.
Copies of foreign patent documents and non-patent literature are included.

b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s) and U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows: English translations are attached for WO 2004/092359, and The 48th Annual Meeting of Japan Society of Plastic and Reconstructive Surgery, April 13-15, 2005. Hyojun Seikeigekagaku, Standard Orthopaedics, Third Edition, with partial translation.

c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

d. OTHER - The following additional information is provided for the Examiner's consideration.

IV. FEES (check one box)

a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.
(This section is not to be used with RCE's.)

d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.

or

See the statement below. No fee is required.

V. **STATEMENT UNDER 37 C.F.R. § 1.97(e)**

(check only one box)

The undersigned hereby states that:

a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or

b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. **PAYMENT OF FEES** (check one box)

The required fee is listed on the attached Fee Transmittal.

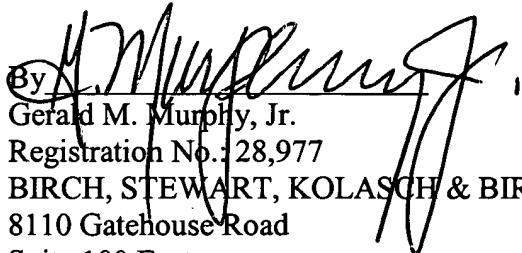
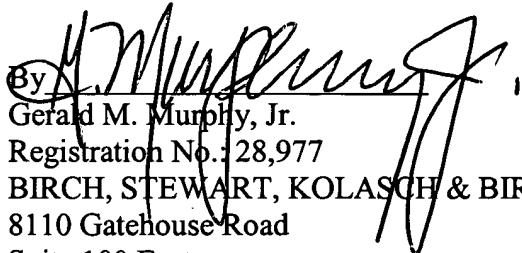
No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: June 2, 2006

Respectfully submitted,


By 
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment(s):

PTO-SB08
 Documents
 Fee





Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | | |
|---------------------------------|---|----|---|--------------------------|------------------------|
| Substitute for form 1449A/B/PTO | | | | Complete If Known | |
| | | | | Application Number | 10/552,000-Conf. #6374 |
| | | | | Filing Date | October 4, 2005 |
| | | | | First Named Inventor | Hiroko YANAGA |
| | | | | Art Unit | 1651 |
| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 1 | of | 1 | Attorney Docket Number | 1752-0173PUS1 |

| U.S. PATENT DOCUMENTS | | | | | |
|------------------------------|-----------------------|------------------------------------------|--------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| | | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | |
|---------------------------------|-----------------------|-----------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | |
| BA | EP-1 331 264-A1 | 07-30-2003 | | | T ⁶ |
| BB | WO-2004/092359-A1 | 10-28-2004 | | | ✓ |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS | | | | | |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | |
| CA | Brittberg et al., The New England Journal of Medicine, Vol. 331, No. 14, pp.889, 895, 1994 | | | | |
| CB | Hyojun Seikeigekagaku, Standard Orthopaedics, Third Edition, with partial translation | | | | |
| CC | Bently et al., Nature, Vol. 230, pp.385-388, 1971 | | | | |
| CD | Green, Clinical Orthopaedics and Related Research, Vol. 124, pp. 237-250, 1977 | | | | |
| CE | Wakitani et al., The Journal of Bone and Joint Surgery, Vol. 71-B, No. 1, pp.74-80, 1989 | | | | |
| CF | Paige et al., Plastic and Reconstructive Surgery, Vol. 96, No. 6, pp.1390-1398, 1995 | | | | |
| CG | Paige et al., Plastic and Reconstructive Surgery, Vol. 97, No. 1, pp. 168-178, 1996 | | | | |
| CH | Aulhouse et al., In Vitro Cellular & Developmental Biology, Vol. 25, No. 7, pp. 659-668, 1989 | | | | |
| CI | Ting et al. Annals of Plastic Surgery, Vol. 40, No. 4, pp. 413-421, 1998 | | | | |
| CJ | Rodriguez et al., Plastic and Reconstructive Surgery, Vol. 103, No. 4, pp.1111-1119, 1999 | | | | |
| CK | Vacanti et al., Plastic and Reconstructive Surgery, Vol. 88, No. 5, pp. 753-759, 1991 | | | | |
| CL | Cao et al., Plastic and Reconstructive Surgery, Vol. 100, No. 2, pp.297-303, 1997 | | | | |
| CM | Aston et al., The Journal of Bone and Joint Surgery, Vol. 68-B, No. 1, pp. 29-35, 1986 | | | | |
| CN | Nevo et al., Cell Biology International, Vol. 17, No. 3, pp. 255-273, 1993 | | | | |
| CO | Nixon et al., Am J Vet Res, Vol. 54, No. 2, pp. 349-354, 1993 | | | | |
| CP | Mok et al., The Journal of Biological Chemistry, Vol. 269, No. 52, pp.33021-33027, 1994 | | | | |
| CQ | Cohen et al., Biomaterials, Vol. 21, pp. 2117-2123, 2000 | | | | |
| CR | The 48th Annual Meeting of Japan Society of Plastic and Reconstructive Surgery, April 13-15, 2005, with English translation | | | | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|